

### IN THE CLAIMS

The claims are not amended, but are presented here for convenient review by the Examiner:

1. (Previously Presented) A method, comprising:  
scanning available channels;  
measuring a received signal power level for the channels scanned in said scanning;  
comparing the measured received signal power level to a threshold value to provide a difference;  
if the difference is greater than a predetermined value, then indicating the channel as occupied, otherwise indicating the channel as available;  
determining a larger gap between available channels; and  
selecting a channel within the larger gap.
2. (Canceled)
3. (Previously Presented) A method as claimed in claim 1, wherein said selecting includes selecting a channel at a midpoint within the larger gap.
4. (Previously Presented) A method as claimed in claim 1, further comprising: in the event there are two or more larger gaps, selecting a larger gap at a higher frequency, wherein said selecting includes selecting a channel within the larger gap at a higher frequency.
5. (Previously Presented) A method as claimed in claim 1, further comprising: in the event there are two or more larger gaps, selecting a larger gap at a higher frequency, wherein said selecting includes selecting a channel within a midpoint of the larger gap at a higher frequency.

6. (Original) A method as claimed in claim 1, further comprising determining whether a collision is detected at the channel selected in said selecting, and, if a collision is detected, selecting a new channel by executing the method again at said scanning.
7. (Previously Presented) An article comprising a storage medium having stored thereon instructions that, when executed by a computing platform, result in dynamic frequency selection in a wireless local area network by:
- scanning available channels;
  - measuring a received signal power level for the channels scanned in said scanning;
  - comparing the measured received signal power level to a threshold value to provide a difference;
  - if the difference is greater than a predetermined value, then indicating the channel as occupied, otherwise indicating the channel as available;
  - determining a larger gap between available channels; and
  - selecting a channel within the larger gap.
8. (Canceled)
9. (Previously Presented) An article as claimed in claim 7, wherein said selecting includes selecting a channel at a midpoint within the larger gap.
10. (Previously Presented) An article as claimed in claim 7, wherein the instructions when executed further result in dynamic frequency selection in a wireless local area network by, in the event there are two or more larger gaps, selecting a larger gap at a higher frequency, wherein said selecting includes selecting a channel within the larger gap at a higher frequency.
11. (Previously Presented) An article as claimed in claim 7, wherein the instructions when executed further result in dynamic frequency selection in a wireless local area network by, in the event there are two or more larger gaps, selecting a larger gap at a higher frequency, wherein

said selecting includes selecting a channel within a midpoint of the larger gap at a higher frequency.

12. (Original) An article as claimed in claim 7, wherein the instructions when executed further result in dynamic frequency selection in a wireless local area network by determining whether a collision is detected at the channel selected in said selecting, and, if a collision is detected, selecting a new channel by executing the method again at said scanning.

13. (Previously Presented) An apparatus, comprising:

a transceiver; and

a baseband processor to couple to said transceiver; wherein said baseband processor is capable of dynamically selecting a frequency on which to communicate via said transceiver on a wireless local area network by:

scanning available channels;

measuring a received signal power level for the channels scanned in said scanning;

comparing the measured received signal power level to a threshold value to provide a difference;

if the difference is greater than a predetermined value, then indicating the channel as occupied, otherwise indicating the channel as available;

determining a larger gap between available channels;

in the event there are two or more larger gaps, selecting a larger gap at a higher frequency; and

selecting a channel from a channel indicated as available within the larger gap at a higher frequency.

14.-15. (Canceled)

16. (Original) An apparatus as claimed in claim 13, wherein said baseband processor is further capable of dynamically selecting a frequency on which to communicate via said

transceiver by determining a larger gap between available channels, in the event there are two or more larger gaps, selecting a larger gap at a higher frequency, wherein said selecting includes selecting a channel within a midpoint of the larger gap at a higher frequency.

17. (Previously Presented) An apparatus, comprising:

an omnidirectional antenna;

a transceiver to couple to said omnidirectional antenna; and

a baseband processor to couple to said transceiver; wherein said baseband processor is capable of dynamically selecting a frequency on which to communicate via said transceiver on a wireless local area network by:

scanning available channels;

measuring a received signal power level for the channels scanned in said

scanning;

comparing the measured received signal power level to a threshold value to

provide a difference;

if the difference is greater than a predetermined value, then indicating the channel as occupied, otherwise indicating the channel as available;

determining a larger gap between available channels;

in the event there are two or more larger gaps, selecting a larger gap at a higher frequency; and

selecting a channel from a channel indicated as available within the larger gap at a higher frequency.

18-19. (Canceled)

20. (Original) An apparatus as claimed in claim 17, wherein said baseband processor is further capable of dynamically selecting a frequency on which to communicate via said transceiver by determining a larger gap between available channels, in the event there are two or more larger gaps, selecting a larger gap at a higher frequency, wherein said selecting includes selecting a channel within a midpoint of the larger gap at a higher frequency.